

City of Issaquah
Urban Village Development Commission
NOTICE OF DECISION

Applicants: DevCo, Inc
 375 118th Ave SE, Suite 118
 Bellevue, WA 98005
 Contact: Jack Hunden/Tom Neubauer

Subject: Site Development Permit for Block 24, Lot 2 of Issaquah Highlands

Number: SDP09-002IH

Decision Date: January 5, 2010

Request: Application for approval of a site development permit in Blocks 24, Lot 2 for a multi-family project consisting of 246 dwelling units and accessory uses, including an office, recreation, amenities. The project encompasses 9.5 acres and the development will comprise nineteen buildings and associated parking both on-grade and in garages.

Decision: The Urban Village Development Commission (UVDC) reviewed the proposed Site Development Permit application during a Public Hearing conducted on December 1 and 15, 2009 and January 5, 2010. After reviewing the application, reviewing the staff report and supporting documents, and listening to presentations by the applicant, Port Blakely Communities, and staff, the Commission approved the application with Conditions. Approval of this application is based on the attached Findings of Fact, Conclusions and is subject to the Conditions contained herein.


 Geoff Walker, Chair
 Urban Village Development Commission

1/12/10
 Date

NOTES

1. If any of the Conditions or portion thereof is declared invalid or unenforceable, the application must be remanded to the Responsible Official for reconsideration and evaluation for consistency and appropriateness of the remaining Conditions.
2. Appeals may be filed within 14 days of the issuance of this Notice of Decision by the applicant, the City Responsible Official, property owners within three hundred feet of the proposed action, or other persons claiming to be directly harmed by the proposed action as permitted by Appendix I. of the Grand Ridge (Issaquah Highlands) Annexation and Development Agreement, June 16, 1996. Appeals shall meet the Criteria identified in Section 8 of Appendix I. and follow the process identified in that Section.
3. Any major change (as determined by the Responsible Official) to the approved site plan or accompanying drawings must be reviewed and approved by the Urban Village Development Commission. Less substantial changes may be approved administratively by the Responsible Official.
4. Building, utility, and sign permits will not be approved unless all applicable Conditions of this Notice of Decision are satisfied to the satisfaction of the Responsible Official.
5. This action does not indicate nor imply that any development activities may occur without the required permits being issued.
6. This SDP approval expires three years from the Decision Date or as otherwise provided by IMC 18.04.220.

This Notice of Decision has been executed this 12th day of January, 2010 by the Chairman of the UVDC on the behalf of and per the direction of the UVDC.

WHEREAS, pursuant to Appendix L (Processing) of the Grand Ridge Annexation and Development Agreement, the UVDC held a Public Hearing on December 1 and 15, 2009 and January 5, 2010, to consider a Site Development Permit for a multi-family project, in block 24, Lot 2 at Issaquah Highlands. The proposal is for the development of nineteen multi-family residential buildings including accessory uses for tenant office, recreation, and amenities on approximately 9.5 acres; and,

WHEREAS, all persons desiring to comment on the proposal were given a full and complete opportunity to be heard at a public hearing; and,

WHEREAS, the UVDC originally received the application on November 25, 2009, and has had adequate time to review and reflect upon the application; and,

WHEREAS, the UVDC is now satisfied that this application has been sufficiently considered, and hereby makes and enters the following:

I. FINDINGS OF FACT

1. DevCo Inc submitted a Site Development Permit application on September 9, 2009 for the development of a multi-family project on 9.5 acres. The property is located in Block 24. A short plat (SP09-004IH) has been approved creating two lots and two tracts. This multi-family project is on Lot 2 of the short plat. The development will consist of 246 units in a mixture of stacked flats, garden apartments, tuck-under units, townhouses, and carriage units. Accessory uses are provided in one building and contain a rental office, indoor recreation, and other amenities. The project also includes approximately 404 parking stalls in surface, tuck-under, and individual garages. Vehicular and pedestrian circulation, landscaping, outdoor recreation, and utility improvements were also proposed. Revised plan sets were submitted on November 10, 2009.
2. The site is located in the southeast portion of the area referred to as the East 42 plat of the Issaquah Highlands Urban Village, east of Highlands Drive and south of Discovery Drive.
3. The property is primarily part of Development Area 4 with a smaller portion located in the South Lakeside Expansion Area. The portion located in Development Area 4 was included in the original Development Agreement. AM01-010IH and AM01-030IH established land development standards for the Expansion Areas; on October 16, 2000 Lakeside South became an Approved Expansion Area.
4. An Administrative Minor Modification (AM01-008IH) eliminated the Development Subareas in Development Area 4 (Appendix B).
5. The site is currently cleared and partially graded. No structures currently exist on site.
6. Access to the site is from Discovery Drive to the north; otherwise, topography limits vehicular access. 10th Avenue is continued into the site and another road is provided on the west side of the site (called B Street); both these access points are from Discovery Drive. In addition, there is an access on the east side from 10th Avenue that could potentially be shared with Block 23. This potential shared access straddles the property line between Blocks 23 and 24; Block 23's owner has provided a letter acknowledging and accepting the road in this

location whether it is shared or not. Pedestrian connections are provided along all streets and connecting to NE Discovery Drive. There are also public trails existing or proposed from the southeast corner and the southern edge. A future pedestrian bridge is required across Highlands Drive. It will land on the western edge of Block 24 and connect to and through Lot 2 of Block 24. There are pedestrian routes through the site to the public trails, pedestrian bridge, and Lot 1 of Block 24.

7. The short plat created another lot (Lot 1) and two tracts: QO on the east and QN on the west. Tract QO contains steep slopes and may be modified per SEP09-001IH or another approved critical area study; however, any modification of the slope must also preserve the general configuration of buildings, roads, sidewalks, trails, open space, and parking shown in the Site Development Permit. Uses for Lot 1 are unknown at this time. The site plan for Lot 2 is dependent on a site plan for Lot 1 that recognizes that Lot 2 has walkways and residences facing Lot 1 as well as provides pedestrian connections between the two lots. The short plat provides for some of these elements through easements and restrictions.
8. Under Section 18.03.300 of the Issaquah Municipal Code, the Commission conducts a planning-level review of Site Development Permit applications within the Issaquah Highlands for conformance with the policies, goals, and objectives contained in the City of Issaquah Comprehensive Plan and the planning goals and commitments of the Grand Ridge Annexation and Development Agreement.
9. As called for by Appendix L, Section 3 of the Development Agreement (Sufficient Application Decision), the application was determined by staff to be sufficient for review on September 21, 2009, based on the original submittal. Staff has determined the application contains adequate information and detail to review as a Site Development Permit.
10. Staff has thoroughly reviewed the application and presented their findings verbally and in a Staff Report. Staff has issued a Briefing Response Memo on December 8, 2009 in response to issues raised at the December 1, 2009 public meeting as well as Public Comments received by email. The Briefing Response Memo revised and added Approval Conditions. The staff report is Attachment A to this Notice of Decision. This report thoroughly reviews the application in relation to the applicable approval requirements. The report contains a recommendation of approval, subject to 59 conditions; the Briefing Response Memo adds two additional conditions bringing the total to 61. In addition, the staff report and Briefing Response Memo contain numerous exhibits which relate to the review of the project. The UVDC finds this document, including its appendices, to be a thorough and complete review of the application and hereby incorporates it by reference as a finding in its entirety.
11. The UVDC has had the opportunity to thoroughly review the application. An initial briefing was provided on December 1, 2009. A public hearing was held on the evenings of December 1, 2009, December 15, 2009, and January 5, 2010.
12. Beyond the information provided in the application, the Staff Report and its exhibits, information was provided by staff and the applicant to the UVDC during the course of the public process to enable it to have a complete and thorough understanding of the project. This includes: a slide presentation by staff of the site; a discussion between the staff and UVDC of each non-standard condition proposed in the Staff Report; and a presentation by the applicant explaining the project and its compliance with the Development Agreement. In addition, Port Blakely Communities provided information on the context of this project including upcoming projects and their timing.
13. Three citizens provided comments via email:
 - One email from Connie Marsh, addressed the proposed short plat, the nature of the western retaining walls, appearance of the project from the west, the amount and nature of surface parking, revegetation of surrounding slopes and tracts, lighting, trails, and ADA access.

- Another set of three emails was received from Chris Hawkins, concerning maintenance responsibilities for the west side of the property, the trail from the overlook to the pedestrian bridge, and the intersection of B Street and Discovery Drive.
- Tom Donohue emailed urging the UVDC to deny residential housing until retail and commercial development is addressed.

14. An opportunity for public testimony was provided at the public hearing held on the evenings of December 1 and December 15, 2009.

On December 1, two people testified. Connie Marsh testified concerning the castle like appearance of the western retaining walls and their appearance from Squak Mountain, lack of planting near these retaining walls and the possibility of invasive plants gaining a foothold, the need for revegetation of the southern and eastern edges, the amount of surface parking being suburban rather than urban, that the project was not dense enough, that she liked the pedestrian bridge and the accessibility to employment, she liked the feel, the pedestrian corridor and carriage units. Chris Hawkins testified that the project was within the Issaquah Highlands' goals, and the proposal would benefit the overall project with the southeast trail connection, decreased parking requirements, lots of bike parking, and proximity to the Park and Ride.

On December 15, three people testified. Chris Hawkins testified that of the three issues raised by his emails, two had been fully addressed and the other partially. He thought the overlook would have good views and the new walkway was nice. The planting provided resolution to his concerns regarding invasive weeds. He still had some concerns regarding the intersection of Discovery Drive and B Street. He was concerned that poor visibility and a busy street could create problems; however the changes proposed in the Staff presentation that evening addressed all his concerns. Matt Berry also testified that as a long time resident, promised retail and commercial projects had taken too long and he was frustrated. He would like a moratorium but there was nothing in the Development Agreement that would support denying the permit. A symbolic gesture (e.g. permit denial, walk-out) was necessary to bring attention to the protest. Finally, Connie Marsh testified. She like the revised proposal better than before. Something needed to change with regards to the commercial and retail but this wasn't the venue. She also discussed the need for the south trail, where will people park for the dog park, she liked the green wall possibilities, and though she didn't like the mega retaining wall, it was improved.

15. Notice of the Public Hearing and public meetings was provided consistent with the requirements of Appendix L of the Development Agreement. This is further detailed in the Staff Report.
16. Included in the Staff Report is a review of how the proposal conforms to the City of Issaquah Comprehensive Plan. The UVDC finds that the proposal conforms to the Comprehensive Plan, specifically with regard to its Land Use Element. This proposal will help advance the vision for the City as articulated in the Comprehensive Plan.
17. Section 3.2 of the Development Agreement, pursuant to the amended Agreement dated February 22, 2000, establishes an "Allowable Development" in Issaquah Highlands of 3250 residential units unless commercial square footage is converted to residential units; no conversion has been proposed. The SDP proposes a total of 246 dwelling units. The SDP falls within the range of Allowable Development contained within the Development Agreement.
18. Appendix I of the Development Agreement establishes a "Project Envelope" that governs SEPA compliance for implementing approvals such as the SDP. The "Project Envelope" includes the Allowable Development established by Section 3.2 of the Development Agreement. Section 3.22.2.2 provides that the City and property owner "intend the [Grand

Ridge] EIS to be SEPA compliance to the fullest extent possible for all Implementing Approvals.” Section 3.22.2.2 further provides that “a supplemental EIS, addendum or mitigation measures beyond those in this Agreement may be required by the City only to the extent an Implementing Approval or requested modification exceeds the Project Envelope.”

19. Staff determined on November 13, 2009 that the proposed Site Development Permit had undergone SEPA review through past environmental review processes and was within the Project Envelope defined by the Grand Ridge EIS and the DNR Addendum.
20. No critical areas are located on-site, i.e. proposed Lot 2, but steep slopes are on adjacent property (Tract QT) or tracts created through the short plat, i.e. Tract QO.
21. No proposed elements extend into the right-of-way.
22. The proposal is consistent with the Planning Goals, as identified in Appendix A of the Development Agreement and meets the intent of applicable commitments. These goals and commitments can be achieved through this project provided the conditions identified below are met.
23. Appendix B establishes the land uses and densities for the development of this site. Allowable density is a range in dwellings per acre and the proposal is within the range. The rental office, recreation, and amenities proposed in this SDP are accessory uses which do not count against Allowable Development.
24. The proposed building meets the building height, parking as amended by AM09-002IH, landscaping, and setback requirements listed in the Development Agreement. Height is also regulated by the preliminary and final plats; the buildings are consistent with them.
25. The development standards for urban roads as set forth in Appendix H of the Development Agreement were used to evaluate the proposal. In addition, the applicant received approval for an amendment to some of the road standards in AM09-003IH. The proposal is consistent with Appendix H and AM09-003IH or as conditioned herein.
26. Transportation mitigation for the entire Issaquah Highlands Urban Village was thoroughly addressed by the Development Agreement and the construction of the Sunset Interchange projects (North SPAR, South SPAR, Sunset Interchange). The traffic generated by this proposal falls within the scope of traffic anticipated by the Development Agreement.
27. Appendix D of the Development Agreement identifies the requirements for the stormwater conveyance, detention, and treatment system. Port Blakely Communities has constructed a comprehensive system that has sufficient capacity to meet these requirements.
28. The SDP provides for an interconnected system of sidewalks along all streets as well as pedestrian walkways and trails throughout the site and connecting to adjacent public trails, properties, and the pedestrian bridge.
29. The application was routed to various departments within the City as well as various support agencies such as Eastside Fire and Rescue and Waste Management. All comments were incorporated into the proposal or the below-listed conditions.
30. Traffic safety and operation impacts have been considered through review of the application and the incorporated conditions will adequately ensure these issues are addressed.
31. Any conclusion listed below which could be considered a finding is hereby incorporated as a finding.
32. The Commission evaluated all comments related to this application prior to rendering a decision.

II. CONCLUSIONS

Having rendered the above-cited Findings, the UVDC draws the following Conclusions:

1. This proposal was reviewed in accordance with Appendix L of the Grand Ridge Annexation and Development Agreement. The UVDC is responsible for reviewing and making the decision for Site Development Permit applications for parcels over three acres in size.
2. The Block 24, Lot 2 at Issaquah Highlands is within the Project Envelope established by the Development Agreement.
3. The proposal complies with the Grand Ridge Annexation and Development Agreement, including subsequent amendments.
4. The application contains adequate information for the UVDC to render this decision.
5. The information provided during the public review process by the staff and the applicant has further assisted the UVDC to fully comprehend the proposal.
6. The public has been given ample opportunity for comment on the proposal.
7. The proposed action complies with the City of Issaquah Comprehensive Plan.
8. The conceptual storm water plan is consistent with the Development Agreement.
9. This proposal has been reviewed under SEPA as provided for in Section 3.22.2.2 and Appendix I of the Development Agreement using the Grand Ridge EIS.
10. Through application of conditions of approval, traffic and non-vehicular safety issues related to the proposal will be adequately mitigated.
11. Any finding above which could be considered a conclusion is hereby incorporated as a conclusion.

III. CONDITIONS

Based on the findings and conclusions outlined above, the Urban Village Development Commission approves the Site Development Permit application for the Block 24, Lot 2 of Issaquah Highlands, File No. SDP09-002IH, as described in the Staff Report dated November 24, 2009, its Attachments A-H, the Briefing Response Memo dated December 8, 2009, its Attachments 1-6, and subject to the following Conditions:

1. Prior to submittal of construction permits (Building or Utility) other than grading, SP09-004IH, or a similar permit, must be completed (approved and recorded) with boundaries for Lot 2 similar to that shown or conditioned in this SDP; or a revised SDP submitted and approved.
2. In the event the project is phased, the Responsible Official has the right to apply additional conditions with Building or Utility Permits to ensure each phase complies with the Development Agreement, such as but not limited to access, fire circulation, parking, and landscaping requirements including site stabilization. Interim landscape shall discourage invasive plants from sprouting and establishing. Routine maintenance of these areas will look for and remove invasive plants.
3. Comply with outstanding conditions #2 and #3 from SEP06-004IH:
 - 2.) Prior to the issuance of any permit for the further development of the Block 24, a landscape enhancement plan shall be submitted and approved by the Responsible Official implemented to revegetate the buffer areas disturbed as part of the prior mining and grading activities. The vegetation shall discourage the growth of non-native & invasive species.

- 3.) Shallow colluvial regression shall be addressed together with the site development or utility permit associated with Block 24.
4. Unless expressly identified, approval of this SDP application does not modify any City or Issaquah Highlands Development Agreement standards which are in conflict with elements of the SDP plan or application. Modification of the standards or guidelines requires an explicit approval in the Notice of Decision for this application or a separate Modification as allowed under Appendix M of the Development Agreement.
 5. Any inconsistencies, conflicts, or incomplete information, other than those addressed directly by this Decision shall be resolved by the Responsible Official, utilizing the Staff Report, and in consultation with the applicant, at the time of the future application (e.g. Building, Utility, Sign Permits).
 6. All dry and wet utility vaults, cabinets, switchgear, pull boxes, meters, equipment, and appurtenances are assumed to be shown on the SDP submittal. Anything not shown on the SDP submittal (location, relative height, presence above ground) is assumed to be located within the structure. Any revisions or additions to what the SDP has shown and approved outside of the structure requires a modification to the SDP, except fire hydrants.
 7. All buildings must have their main entry from a sidewalk or trail.
 8. Prior to (Temporary) Certificate of Occupancy, provide a pedestrian friendly trail connecting the Overlook to the pedestrian bridge, away from the parking lot. Use the design of the walks, fall protection/handrails, and landscape to create a pleasant pedestrian connection.
 9. Designated pedestrian trails (as shown on Page 12 of the Staff Report) which cross vehicular routes, drives, drive aisles, access routes, etc... shall be designed to draw the driver's attention to the possible presence of pedestrians. This condition would be met, for example, through the use of pedestrian tables or changes in material (e.g. concrete, pavers; not solely paint or striping), etc... Raised crosswalks shall not used.
 10. With the Utility Permit for the streets and sidewalks, provide a pedestrian friendly trail approximately mid-way between the B Street crossings for the Pedestrian Spine and pedestrian bridge/Lot 1 plaza.
 11. Prior to (Temporary) Certificate of Occupancy for any building, pedestrian and vehicular routes serving that building or its portion of the site shall have access easements granted to the City allowing the public to use these routes.
 12. Design the play area as an integral part of the overall central open space, while incorporating varied opportunities for children's play.
 13. Weather protection shall be provided at each primary building entry.
 14. Two-way vehicular routes, where cars will not be backing out, will not exceed 18 ft wide.
 15. Parking stalls which have low landscape or additional hardscape at the head of the stall, may reduce the paved portion of the stall length by 2 ft as long as the car can hang into the landscape or hardscape by 2 ft without impacting pedestrian walkways or the proposed landscape. Landscape in appropriate locations may be counted to the 10% landscape requirement.
 16. The capacity at the western stormwater connection must be verified prior to Utility Permit approval.

17. With the Utility Permit for wet utilities, any unused stormwater utility stubs must be removed at the main and abandoned in accordance with city standards.
18. Prior to approval of the Stormwater Utility Permit, the applicant shall provide a technical design report that shows that the clean and dirty impervious areas are compatible with the approved stormwater model.
19. Stormwater from the retaining walls on the western edge of the property may not be discharged to a location other than that assumed in the approved Stormwater Model unless the model is revised and the impacts of the discharge can be mitigated. This condition will be enforced during Utility Permit review.
20. Prior to the approval of any landscaping plans that allow biofiltration or infiltration associated with landscaping, a critical area study must be completed which shows that infiltration on this property will not adversely affect the adjacent slopes and retaining walls.
21. At the time of submittal for a Utility Permit for landscaping, the applicant shall submit a landscape maintenance plan consistent with the requirements of Appendix D and Issaquah Highlands best management practices. All landscape maintenance shall comply with these maintenance requirements.
22. Prior to approval of the first Utility Permit which installs permanent stormwater piping, any slopes that are adjacent to other properties which are not part of the Property must be designed to positively control offsite drainage so as not to create a nuisance or otherwise discharge stormwater onto adjacent properties.
23. Any walls, rockeries, or other retaining structures more than 4 ft in height which were not labeled as such in the SDP or which are added subsequent to the SDP, require additional review and may require additional mitigation. Walls adjacent to pedestrian areas should be scaled to create a pedestrian oriented environment which might indicate walls less than 4 ft in height.
24. To facilitate successful landscape establishment, no slopes shall have a greater than 3:1 slope.
25. Structural fills more than 15 feet high that have a resultant slope of greater than 40% do not need setbacks or buffers under the following circumstances; 1) they have been designed by a licensed geo-technical or structural engineer, and 2) construction was performed under the guidance of a licensed structural or geo-technical engineer and 3) the as-built plans are certified by a licensed structural or geo-technical engineer. Otherwise, these areas will be treated as steep slopes under Appendix E. At the time of review and approval of these constructed steep slopes, special planting techniques on slopes 3.1:1 or steeper may be required to assure the establishment and viability of plant and tree materials.
26. Any areas outside of the future site but which are disturbed as part of the construction of this site, e.g. the slope above the eastern retaining wall, shall be replanted with native vegetation prior to issuing the Certificate of Occupancy for this building. A landscape plan must be reviewed and approved prior to plant installation.
27. With future construction permits, the applicant will comply with the assumptions and approval conditions contained in SEP09-001IH or an equivalent Critical Area Study reviewed and approved by the Responsible Official which implements the significant elements of this SDP, such as building, drive aisle, and parking placement.

28. For Tract QT, the existing access easement will be reconfigured prior to Certificate of Occupancy. The access easement for Tract QO will be recorded with the Block 24 Short Plat currently under review; if that easement needs to be relocated, it will also be completed by the Certificate of Occupancy. Prior to approval of the first Utility Permit, access easements shall be dedicated to the City of Issaquah to allow access to tract QO and QT. The easements must be configured in such a way to allow heavy equipment to reasonably access and maintain these tracts.
29. During any activities allowed by Utility Permits within 100 feet of the southern steep slope, the applicant shall hire an independent qualified professional acceptable to the Responsible Official, to be on-site to ensure permitted activities do not exceed the limits indicated on these approved plans. Following completion of the approved activities in these areas, a licensed surveyor shall submit an affidavit to the Responsible Official attesting that the activity was maintained within approved limits. This affidavit shall be submitted to the MDRT prior to the Certificate of Occupancy for the first building on the Property.
30. Permanent signs identifying the type and value of the critical area shall be installed prior to occupancy of any adjacent blocks or lots. Signs shall be placed one per 50 feet or as directed by the Responsible Official.
31. The water main between building 4 and 3B is not easily serviceable using standard methods and tools and must be relocated to an alternative area that is not burdened by hardscape and stairs.
32. The hydrants on the western edge of the project should be moved to the eastern edge of the drive aisle (and the grading should slope away from the walls to the west) or the site should otherwise be designed so that a hydrant failure or leak will not compromise the slope and retaining walls. This condition will be enforced during Utility Permit review and approval.
33. Prior to the approval of the first Utility Permit, the applicant must redesign either the western driveway or Discovery Drive (or both) in order to eliminate potential merge/taper/weave conflicts with ingress and egress to the site. This may be accomplished by 1) moving the taper to the east, so that the taper transition starts east of the driveway or 2) convert B Street intersection with Discovery Drive into a driveway cut; this option does not require a relocation of the existing lane taper. Under either option the applicant must sign it so that drivers exiting B Street are instructed to only turn right and drivers entering B Street may only use a right-in turning movement. The applicant may select which solution they prefer as long as that solution can be shown to accommodate the same level of traffic as the existing Discovery Drive lane configuration.
34. Design and construct three roads included in the proposal consistent with the adopted Standards, except as modified by AM09-003IH.
35. At Utility Permit for the traffic circle at the south end of 10th Avenue/A Street, the traffic circle will be evaluated to confirm the City's fire ladder truck or the waste purveyor's truck can maneuver through the circle. Based on this analysis the following will be determined: whether these trucks require the ring around the center area be included in the fire or waste trucks' maneuver, the type of curb necessary to accommodate that need, and if the center area may be landscaped or if it is also part of the maneuver. Any parts of the center ring or inner circle needed for maneuvering shall be non-asphalt material, such as concrete. If landscape material may be used in the inner circle, it will be evaluated for sight-lines and safety to determine the appropriate plants and sizes; a single large tree may be more appropriate than low trees and large evergreen shrubs.

36. All exterior staircases and walkways shall be at least 5 feet wide, clear of intruding handrails, mature landscape, car overhangs, light poles, tables and chairs, etc...; walkways may be 3 ft wide when they serve individual front doors and patios or walkways to no more than two entries. Where narrow planter beds are adjacent to walkways, plants shall be selected whose mature size will not impact the walkway width.
37. All curbs at Issaquah Highlands must be vertical, unless otherwise approved by the MDRT such as for fire access or some other unique circumstance. No extruded curbs are allowed.
38. All curb ramps must direct the user into the crosswalk (not the intersection or travel lanes) and generally point toward the curb ramp on the opposing side.
39. Where stairs must be used in the sidewalks or the path system, the applicant shall avoid single steps and all steps should be level and of even height per the International Building Code.
40. Any tree located within 4 ft. of a public street, curb, sidewalk, or similar publicly-owned and maintained paving must have at least 10 lineal feet of root barrier placed adjacent to pavement.
41. Adopted standard stall dimensions shall be the maximum; adopted compact stall dimensions shall be the minimum. Stalls smaller than standard stall dimensions, in one or both directions, shall be considered compact stalls. Compact stalls are not allowed on a fire lane unless they are standard stall length.
42. Consider providing parking spaces for motorcycles, super sub-compacts, electrical vehicles, etc.... If provided, these spaces shall be specifically designated.
43. In the parking lots where all standard or a combination of standard and compact stalls are located, drive aisles will be 24 ft wide; where only compact stalls are located on a drive aisle, it may be reduced to 22 ft, though for design simplicity the drive aisle may be 24 ft wide.
44. The number, type, and location of ADA compliant parking spaces is not approved by this permit and shall be reviewed by the Building department during the Building Permit review. The applicant should meet with the Building Official prior to the submittal of any construction permits to confirm the number and distribution of ADA parking stalls.
45. The proposed land uses currently generate the need for 34-35 bike parking spaces; the number of required bike parking spaces may be modified based on the final parking count. The bike racks shall be distributed throughout the site and some should be in covered locations. The bike racks should be positioned to not block sidewalk, walkways, entrances, etc... as well as to function when full of bicycles; the racks should likewise be accessible when adjacent activities, such as parking are occurring. Final bike rack locations must be shown on Building or Utility (e.g. landscape) Permit.
46. Loading spaces must be restricted to Loading Only between 7 am and 6 pm, seven days a week. Signs must be provided. Loading spaces may not count to meet required parking.
47. At the time of submittal for a Utility Permit for landscaping of the surface parking lots, the applicant shall provide a minimum of 30% evergreen trees as well as 50% native or drought tolerant trees.
48. All building facades shall be designed with detail and interest. Blank walls shall be avoided, especially at the pedestrian's level; if necessary, articulation or other features will be provided. Appropriate articulation and features could include doors, windows, building

articulation, and/or other architectural features to create an interesting and varied environment.

49. The western retaining wall(s) must be designed in such a way to be visually interesting and a positive contribution to the community and shall include plant material to soften and provide a verdant character including articulation of the wall surfaces, climbing and trailing landscape and/or green walls, decorative hand rails and fall protection.
50. Relocate the mail kiosk so the high activity functions are gathered in one area: play area, open space, office/amenity/recreation. The location should take advantage of the 10th Avenue vista terminus and proximity to roads for USPS mail carriers.
51. Deciduous Shade Trees shall be appropriately scaled for the location in which they will be located and the mature size of the tree. Appropriate solar exposure for adjacent uses and views along Pedestrian Spine shall also be taken into consideration.
52. Design and construct 10th Avenue/A Street with tree wells on both sides. Continue the existing street tree type from 10th Avenue, north of Discovery Drive.
53. This permit has approved, in preliminary form, the proposed landscape. Additional and detailed review will occur concurrently and jointly by the MDRT and ARC. Plants should be selected and spaced based on their mature size as well as for their consistency with the Neighborhood Type in which they are located, i.e. random and informal for Cottage Lane areas; formal and precise for Traditional Townscape. The plants selected for the locations shown as “meadow mix” may achieve a meadow-like character but will remain green and attractive year-round, providing visual interest and complexity.
54. A lighting plan shall be proposed which maintains lighting at the minimum necessary for safety and function, and balances the goal of minimizing night glow and off-site lamp visibility with pedestrian scale lighting and the urban design potential of lighting and light fixtures. Cut off fixtures will be used and lighting shall be located in areas where drivers and pedestrians are likely to be. The lighting plan shall comprehensively address building, street, drives, open space, parking lot, trails, and landscape lighting so that lighting impacts are not compounded in portions of the site by overlapping illumination patterns. To facilitate review of the lighting, a photometric calculation, stamped by a professional engineer, showing illumination levels on the pavement shall be submitted with the permit for construction of lighting. A point-by-point calculation is required. The illumination calculation shall include all fixtures that contribute light to the site (poles, bollards, building mounted lighting). Low wattage decorative fixtures such as sconces or porch lights can be excluded from the calculation. No up-lighting is allowed. All exterior lighting is subject to the specific approval of the Responsible Official.
55. Design and placement of the above ground facilities, such as buildings, walkways, significant plant materials, etc... shall take priority over the convenient location of utilities, unless this would significantly compromise the function of the utilities. On all subsequent permits, utilities and their necessary easements shall be shown.
56. All mechanical equipment, utilities, appurtenances, etc... shall be screened. Equipment, above-ground utilities, appurtenances, etc... shall be located away from pedestrian areas, with at least a enough distance to allow landscape screening. Equipment located on rooftops including HVAC and mechanical equipment shall be fully screened from view both above and below.

57. Except for the trail from the Overlook to the Play Area as well as the southern trail in Tract QT, all on-site trails are designated as Neighborhood Trails and must meet those standards. The trail from the Overlook to the Play Area will be designed as a Feature Pedestrian Way; the southern trail into Tract QT is a forest path, south of the parking lot.
58. Per EF&R comments:
- The site will be given one address and the buildings will be designated by letters (A,B,C, etc) or numbers (1, 2, 3, etc.).
 - Building letters shall be sized and placed to be readily visible from roads. Multiple signs per bldg. may be required.
 - Minimum drive width to be 18 feet with a clear height of 13' 6" on all roads. It appears the overhang behind building #17 may encroach into the drive lane.
 - Fire hydrants shall be placed within 50 feet of fire department connections.
 - Dumpsters and containers with an individual capacity of 1.5 cubic yards or more shall not be stored within 5 feet of combustible walls. 200-6 IFC 304.3.3 See location of dumpsters at building #4.
 - FDCs are not approved as shown though some are in suitable locations. FDC should be placed in convenient but discrete locations (e.g. move FDC for Bldg 7 next to hydrant across from compactors) that are within 50 ft of a hydrant (e.g. FDC for Bldg 4). In some cases they should be consolidated (e.g. FDC for Bldg 2B by 2A, FDC for Bldg 3A by 3B, FDC for Bldgs 13 and 17, FDC for Bldgs 16 and 17) Water system will evolve and so final comments will occur with future water plan.
59. With permits for construction, the following modifications to the waste enclosures and collections system will be made:
1. The central collection point will also provide resident collection similar to that provided at the dispersed collection enclosures though the specifics may be unique to the central location.
 2. Garbage and recycling containers in the dispersed locations will be purchased from or identified by the compactor manufacturer to ensure compatibility with the selected compactors and to enable towing.
 3. The cart for collecting the waste is on-site by the first (temporary) Certificate of Occupancy
 4. Food waste will be collected in containers no larger than 4 cu.yd. Food waste collection may be from the dispersed or at a central location.
 5. Design of the enclosures for roll out containers will have slopes no greater than 3% both inside and in front of the enclosures where the containers will be dumped.
 6. Dispersed enclosures will be sized consistent with the City's solid Waste Collection Space Standards and Guidelines or as approved by the Responsible Official. Compactor enclosure dimensions will be reviewed once the compactor is selected.
 7. Waste enclosures will have roofs and drains. The compactor enclosure probably can not be roofed. To allow drainage of the compactor enclosure, the compactor and its enclosure will be designed with separate discharges to storm and sewer systems, i.e. enclosure to storm and compactor to sewer.
 8. The pad under the compactors will be 8-10 in. reinforced concrete.
 9. Each enclosure will have a door for residents; Waste Management gates will be accessed by keypads. Enclosures will be designed to prevent bears from accessing them. Additional enclosure requirements will be reviewed with construction permits.
 10. The enclosure walls for the central collection point will be at least 6 ft tall adjacent to trails.
 11. If waste chutes are used they must be designed with:

- three separate chutes, one each for recycling, garbage, food waste; or
 - two chutes (recycling and garbage) with food waste collection on each floor and in the same room as the waste chute access; or
 - one chute which switches between recycling and garbage with food waste collection on each floor and in the same room as the waste chute access.
60. Provide a fenced dog park south of southern parking lot. The park must be landscaped with native grass mixes appropriate for heavy use. The applicant must obtain a Special Use Permit to use the buffer area and provide indemnification and maintenance. The dog park must be accessible to the public.
61. Buildings 5, 6, 14, 7, 8 shall between 10 ft and at least 13.5 ft above the garage apron provide a 3-4 ft building overhang; if the overhang is only 3 ft the other 1 ft may be architectural elements. Above 13.5 ft these buildings shall provide additional elements that extend at least 3 ft into the travel lane. In addition, the garage doors shall incorporate the follow design elements: all garages shall have single doors; all doors shall be medium to dark colors, the same as or similar to the body color with trim that is dark; all garage doors shall provide interesting detail.

Attachments:

Attachment A: Staff Report, dated November 24, 2009

cc. Parties of Record
 Connie Marsh
 Chris Hawkins
 Tom Donohue
 Matt Berry
 Keith Niven
 Dan Ervin
 Doug Schlepp